

LAWS RELATING TO PENSIONS.

JUNE 21, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. GIBSON, from the Committee on Revision of the Laws, submitted the following

REPORT

[To accompany H. R. 10428.]

The Committee on Revision of the Laws, to whom was referred the bill (H. R. 10428) to codify the laws relating to pensions, submit the following report:

The importance of a codification of the various laws relating to pensions has for many years been realized by the Pension Bureau, but no Congressional action seems to have been taken until August 5, 1892, when the House of Representatives appointed a committee "to codify, simplify, and arrange the pension laws." This committee prepared and reported to the House a bill, but it was never acted on.

At the next Congress the bill, after being amended, was introduced, and though strongly approved by the then Commissioner of Pensions and the Assistant Secretary of the Interior, and passed by the House, failed to pass the Senate.

In the last Congress this same bill, after being amended, was introduced and referred to this committee, who recommended its passage, but no further action was taken on it by the House.

After the close of the last Congress Mr. Gibson, of Tennessee, then and now a member of this committee, revised this codification, bringing it down to date, and reintroduced it.

Your committee have not only carefully and laboriously considered the bill and compared it with the original statutes, but they have also had the cordial and valuable cooperation of Hon. H. Clay Evans, Commissioner of Pensions, and the experts in his Bureau, and as a result the bill has been perfected both in its form and in its substance, and, after being amended, as indicated by the Commissioner of Pensions in his letter, hereto attached and made a part of this report, the committee recommend its passage with the following additional amendments:

On page 6, line 13, after the word "skill" insert a comma.

On page 16, marginal notes, strike out ".d 189" and insert "p. 189."

On page 20, before line 26, in the marginal notes, strike out "Act July 13, 1892, vol. 27, p. 120."

On page 20, before line 37, marginal notes, insert "Act March 14, 1898."

On page 43, at the end of line 4, insert a semicolon.

On page 43, at the end of line 5, insert a comma.

On page 52, at end of line 23, insert a comma.

On page 58, line 11, after the word "line" insert a period.

On page 79, line 8, after the word "died" insert a comma.

On pages 112, 113, and 114, strike out the whole of section 153 and insert in lieu thereof the following:

(a) Any person who was duly appointed or commissioned to be an officer of the volunteer service during the war of the rebellion, and who was subject to the mustering regulations at the time applied to members of the volunteer service, shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not so performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: *Provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this section if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: *Provided further*, That this section shall be construed to apply only in those cases where the commission bears date prior to June twentieth, eighteen hundred and sixty-three, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations: *And provided further*, That the pay and allowances actually received for the period covered by the recognition extended under this section shall be deducted from the sums otherwise to be paid thereunder.

(b) The heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this section shall be entitled to receive the arrears of pay and emoluments due, and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.

(c) The pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion, other than as directed in the fourth proviso of the first paragraph of this section, shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

(d) All acts and parts of acts inconsistent with the provisions of this section are hereby repealed.

On page 122, before section 157, after "legal marriage," insert a semicolon.

On page 123, line 19, strike out "eighty-five" and insert in lieu thereof "eighty-four."

On page 136, line 9, section 177, strike out the word "section" and insert in lieu thereof "Act."

On page 137, line 13, strike out the comma after "Army."

On page 144, at the end of line 7, insert a comma.

On page 150 strike out "185" and insert "184."

On page 152 strike out "185" and insert "184."

On page 154 insert, after the word "period," "under act of June 27, 1890 139 184."

On page 70, line 9, after the word "appears," insert a comma.

On page 78, section 103, at the end of line 10, strike out the letter "o" and insert in lieu thereof the word "of."

On page 90, line 18, for "andprivates" insert "and privates."

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, May 28, 1898.

SIR: The bill (H. R. 10428) to codify the laws relating to pensions, which you submitted for my consideration, has been very carefully examined with reference to its accuracy, completeness, and method of arrangement, and I am pleased to say that it meets my entire approbation.

The necessity of some simplification of the existing laws on this subject must be obvious to anyone who has sought to study or apply them, and I believe this bill well calculated to meet such want, because it presents in logical order and compact form all the laws now in force bearing upon the subject.

I have but two suggestions to make as to the accuracy of this code, namely:

Section 153, additional provisions respecting remuster of officers, presents the provisions of the act of June 3, 1884, as amended by act of February 3, 1887. This act has been practically superseded by the act of February 24, 1897, on the same subject, and I suggest that this entire section following the title be stricken out and the act of February 24, 1897, substituted in its entirety, with a corresponding change in the marginal note.

I invite your attention to a memorandum herewith of typographical errors which appear in the bill as printed.

I should be highly gratified to see this proposed code enacted into law.

Very respectfully,

H. CLAY EVANS, *Commissioner.*

Hon. HENRY R. GIBSON,
House of Representatives.

